

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

GREGORY KOHN,

Civil No. 08-1192-ST

Plaintiff,

v.

COURT TRIAL MANAGEMENT ORDER

INTEL SHELTERED EMPLOYEE
RETIREMENT PLAN (SERP),

Defendant,

STEWART, Magistrate Judge:

1. The pretrial conference will be held at **9:00 A.M. on Thursday, November 12, 2009**, in chambers (room 1107).

2. A one day court trial will be held at **9:30 A.M. on Thursday, November 12, 2009** in courtroom 11A.

3. File the original (plus one copy for the Court) and serve copies on all parties, of the following documents. Each item listed below should be a separately captioned and stapled document; do not staple different items together:

a. No later than October 13, 2009: Joint statement of trial issues.

b. No later than November 5 , 2009:

- (1) Exhibits and exhibit lists (original exhibits should be delivered to Donna Ausbie rather than filed with the Clerk's office);
- (2) Witness lists;
- (3) Trial memoranda;
- (4) Motions in limine;
- (5) Itemized list of special damages, if any;
- (6) Proposed findings of fact and conclusions of law. **(After electronically filing the above documents, please deliver to the clerk's office (room 740) a CD-RW or CD-ROM containing an electronic copy of your documents in a format compatible with Word Perfect, or 'e' mail a copy of your documents to Donna_Ausbie @ord.uscourts.gov .)**

c. No later than November 12, 2009:

- (1) Objections to the other party's submissions (the nature and reason for objections may be handwritten on copies of opponent's submissions and submitted for filing with an appropriate cover sheet);
- (2) Responses to motions in limine.

4. Joint Statement of Trial Issues.

If required by the court in lieu of a Pretrial Order, the Joint Statement of Trial Issues must contain a statement of each claim by the plaintiff with the contentions supporting each claim, and each defense to each claim by the defendant with the contentions supporting each defense.

Contentions should not recite the evidence to be offered at trial, but must be sufficient to frame the issues to be decided by the court.

5. Exhibits and Exhibit Lists.

a. Numbering: Plaintiff's exhibits should be numbered and listed starting with "1". Defendant's exhibits should be numbered and listed starting with "101". Separately identify exhibits the party expects to offer and those the party may offer if the need arises. The case number should be printed on each exhibit sticker. If there are multiple parties or numerous exhibits, contact Donna Ausbie at 326-8057 for number assignments. Photographs, charts, and the like should be individually numbered unless they are of a specific set, in which case they will be given a lead number, such as Exhibit 50 with sequential destinations 50a, 50b, etc.

Exhibit lists should exactly reflect the exhibit numbers as presented to the Court.

b. Binding: Original exhibits and copies of exhibits for the Court (except for depositions) should be punched into 3-hole binders and separated with numbered divider tabs.

c. Impeachment exhibits: Impeachment exhibits should be marked, sealed and delivered only to chambers. List these on your exhibit list as "Impeachment Exhibits."

d. Depositions, audiotapes and videotapes: Do not mark as exhibits any deposition which will be used merely to refresh recollection or for impeachment. For any deposition to be offered as substantive evidence, underline or highlight those portions of the transcript sought to be admitted. Should more than one party wish to offer the same deposition, jointly submit a single copy. If the parties are unable to agree on which portions of the joint deposition are to be highlighted, each party should select a different color and should designate,

on the single copy, those portions of the depositions it intends to use. **Deposition transcripts submitted for use in the trial are considered exhibits and are to be marked and numbered as exhibits, but do not need to be punched into exhibit binders.** If there are numerous depositions, contact Donna Ausbie. Any audiotapes and videotapes to be shown at trial shall be thoroughly edited. Any objections to the editing not resolved by the parties shall be presented to the Court at the pretrial conference.

e. Expert Reports: Do not mark expert reports as exhibits.

6. Witness Lists.

a. Witnesses: List all witnesses to be called by name, address and occupation, together with a summary of their testimony. Witness statements may be brief (particularly if the witness' deposition has been taken), but must include sufficient information to give the opposing party and the Court a clear understanding of the content of the testimony. Give a time estimate for the direct testimony of each witness. Separately identify witnesses a party expects to call and those the party may call if the need arises.

b. Impeachment Witnesses: Names and statements of impeachment witnesses may be sealed and delivered only to the Court.

c. Expert Witnesses: Submit to the Court a copy of the previously exchanged expert disclosure statements.

7. Trial Memoranda. Include a brief statement of facts and elements of each claim and defense with supporting legal authorities. Trial briefs shall not exceed 35 pages without prior consent of the Court.

8. At the pretrial conference, as time permits, the Court will discuss the exclusion of witnesses, objections to exhibits and witnesses, time factors, and settlement.

9. Absent a strong showing of good cause, no exhibits or testimony will be received in evidence at trial and no filing of amended pleadings will be allowed unless presented in accordance with this Order.

IT IS SO ORDERED.

DATED this 22nd day of April, 2009.

/s/ Janice M. Stewart
Janice M. Stewart
United States Magistrate Judge